

To:  
Cc:  
Bcc:  
Subject: Fw: City of Rockville Planning Commission

----- Forwarded by David Levy/RKV on 05/27/2011 10:49 AM -----

From: Larry Gordon <LGordon@shulmanrogers.com>  
To: "DLevy@rockvillemd.gov" <DLevy@rockvillemd.gov>, "sswift@rockvillemd.gov" <sswift@rockvillemd.gov>  
Cc: "ttansing@rockvillemd.gov" <ttansing@rockvillemd.gov>  
Date: 05/27/2011 09:14 AM  
Subject: FW: City of Rockville Planning Commission

David and Susan – Attached please find a letter that I am transmitting on behalf of DARCARS for inclusion in the Planning Commission's public record on the proposed Rockville's Pike Plan and Form Code. Please have copies distributed to the Planning Commission members. As always, I am available to respond to any questions you might have, Best regards. – Larry Gordon

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City of  
Rockville  
Planning  
Commission  
05 27

recipient to which it has been sent) without our express written consent. 11.PDF

LARRY A. GORDON, ATTORNEY  
t 301.230.6576 e lgordon@shulmanrogers.com

May 27, 2011

Via Email

Chairman and Members  
City of Rockville Planning Commission  
111 Maryland Avenue  
Rockville, Maryland 20850

RE: Draft Rockville's Pike Plan and Form Code

Dear Chairman Tyner and Planning Commission Members:

This letter is submitted on behalf of our client, DARCARS, for inclusion in the Planning Commission's public record for the proposed City's Rockville Pike Plan (the "Plan") and Form Code (the "Code"). It supplements previous oral and written testimony provided by DARCARS' representatives at the Commission's March 16, 2011 public hearing on the draft Plan and Code.

We cannot emphasize strongly enough the need to retain existing automobile sales and service dealerships as uses permitted by-right within the Plan area, and to facilitate future modernization, expansion and maintenance of such dealerships. These facilities have long-served the needs of Rockville residents, workers and visitors, and the need for such conveniently located dealerships along Rockville Pike will certainly continue to exist in the foreseeable future. Accordingly, we respectfully offer the following additional recommendations to help facilitate retention and upgrading of these dealerships in an attractive and productive fashion:

1. Consistent with the provisions of the City's recently adopted Zoning Ordinance, expressly allow for "Motor Vehicle Sales and Service Uses" as by-right uses (or, at a minimum, conditional uses subject to the conditions presently provided for in the applicable Mixed Use Zones) in the Code Land Use lists for the North, Middle and South Urban Corridor Street Frontages;

Chairman and Members  
City of Rockville Planning Commission  
May 27, 2011  
Page 2


2. Delete the "Nonconformities" provisions from the Form Code (Sec. 1.10.9) and apply the nonconformity provisions from the new Zoning Ordinance that were analyzed at length by the Mayor and City Council; and
3. More clearly describe uses allowed along street frontage types in the Regulating Plan of the Form Code. For example, DARCARS Chrysler/Jeep/Dodge dealership located at 755 Rockville Pike is depicted in green (Urban Corridor) along Rockville Pike, and purple (Urban General) along a portion of its Mount Vernon Place side. This would result in two different sets of development regulations being applied to the property. Given its primary frontage along Rockville Pike, the entire property should be designated in the Urban Corridor.

Thank you, your staff and consultants in advance for your attention to these recommendations.

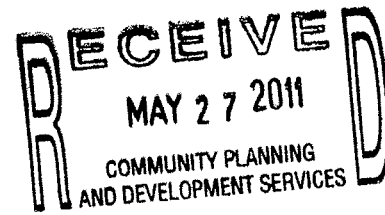
Respectfully submitted,

SHULMAN, ROGERS, GANDAL  
PORDY AND ECKER, P.A.

By:

  
Larry A. Gordon  
Attorneys for DARCARS

cc: Ms. Susan Swift  
Mr. David Levy  
Ms. Tyler Tansing  
Mr. Hamid Fallahi



Planning Commission  
c/o Long Range Planning, CPDS  
111 Maryland Ave.  
Rockville, MD 20850

May 26, 2011

My name is Karen Voight. I am President of Village Green Condominium in Rockville, representing the Village Green Board of Directors and residents' views on the Rockville Pike Master Plan.

Village Green is extremely concerned with the part of the plan that calls for a possible extension of East Jefferson Street through Woodmont Country Club. We are equally concerned about a bicycle path running through Woodmont. Village Green opposes any extension of East Jefferson Street, and/or a bicycle path running through Woodmont Country Club.

Village Green also objects to the part of the plan that links the East Jefferson Street extension and/or bicycle path to any development by Woodmont on the frontage of their property. There is no discernable reason to link the possible development of Woodmont's frontage to the Jefferson Street Extension and/or bicycle path. Any development by Woodmont on the frontage of their property would not affect our community and we have no objections to any development they would make on the frontage of their property.

Village Green testified at the Rockville Pike Master Plan of 2002 on the negative effects an East Jefferson Street extension and/or bicycle path would have on our community as well as Woodmont Spring, Woodmont Overlook and Woodmont Park. These 4 communities represent over 1200 citizens.

Please find attached my testimony that was presented to the Rockville Planning Commission on November 14, 2001. Please include this testimony with this memo.

Village Green opposes the inclusion of an East Jefferson extension and/or bicycle path in the Rockville Pike Master Plan. We oppose the linkage of an East Jefferson Street extension and/or bicycle path with any development at the Woodmont Country Club. We want the East Jefferson Street extension and/or bicycle path removed from the Rockville Pike Master Plan.

A handwritten signature in black ink that reads "Karen Voight". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen Voight  
President, Village Green Condominium  
193 Talbott Street  
Rockville, MD 20850  
301-279-9203



**COMMENTS ON BEHALF OF VILLAGE GREEN CONDOMINIUM IN  
OPPOSITION TO THE EXTENSION OF EAST JEFFERSON STREET**

Presented to the city of Rockville Planning Commission on November 14, 2001

My name is Karen Voight, President of Village Green Condominium. Village Green Condominium was built in 1959 as an apartment building and converted to a condominium in 1981. Our residents are proud of our community, and we continually work on making improvements to our property. The residents of Village Green appreciate the access to the commercial district of Rockville Pike, our nearness to the Metro and the serenity of the woods behind our property.

Village Green has joined the Woodmont/Montrose Neighborhood Coalition in opposition to the proposed inclusion in Rockville's Master Plan of a connecting road or bike path between Wooten Parkway and East Jefferson Street.

In the late 1980's the city proposed the Jefferson Street extension and the same communities opposed and defeated it. Given the history of this proposal it is difficult to understand why the City of Rockville did not inform us of the proposed road or the date of this hearing. The only mitigating aspect to the City's failure to notify us has been Chief of Long Range Planning, Jim Wasilak who has been pleasant, courteous and helpful. In light of our late start in preparing for this hearing, I would like to formally request the record for this meeting remain open until the close of business on December 4, 2001.

In chapter one of Rockville's Master Plan there is a list of planning principles that are not consistent with the extension of East Jefferson to Wooten Parkway. Those principles are as follows:

1. Protects the character of its neighborhoods
4. Emphasizes it's parks and open spaces
5. Respects the natural environment
8. Maintains a safe and secure community.

**PROTECTS THE CHARACTER OF ITS NEIGHBORHOODS**

Included in chapter one is a section on the history of Rockville that talks about Rockville being a corridor city. The residents of Woodmont Park, Village Green, Woodmont Spring and Woodmont Overlook form a narrow corridor neighborhood of 1000 to 1200 people sandwiched between Rockville Pike and the woods of Woodmont Country Club. If you build a road directly behind our communities, you change our neighborhood from one nestled against the woods with all the beauty, serenity and quiet that the woods affords us to a neighborhood sandwiched between two busy , noisy, brightly lighted roads.

In Village Green's case, our community is set back about a half block from Rockville Pike, however, the Woodmont fence line is very close to our buildings. The proposed road would be much closer to us than Rockville Pike. All of us at Village Green have become accustomed to living off Rockville Pike, we tolerate the noise and the lights, partly because we have the contrast of the woods behind us, however if we had to deal with two roads, it would be too much – noise and lights coming at us from two directions would make our lives at Village Green a miserable existence.

#### EMPHASIZES ITS PARKS AND OPEN SPACES

We think that the plan for the new road would NOT emphasize the natural woodsy/park and open space environment we currently have and Rockville's master plan principle is supposed to support.

A member of the Sierra Club is preparing a special report on the value of Woodmont Country Club's 459 acres of woods and green space to our community and to the city of Rockville. This report will help to share some of our concerns over the loss of green space and will be submitted in time to be a part of the record of this hearing.

#### RESPECTS THE NATURAL ENVIRONMENT

There are several sections in the Master Plan that address the protection of wildlife habitat and the importance of forest areas. Our communities are not aware of the exact plans for the location of the proposed road but we assume it will involve the loss of some forest areas, if not all the forest area. The loss of some open and green space and will certainly damage wildlife habitat.

Chapter six of the Master Plan talks about the fact that parks make an essential contribution to the quality of life. Our communities don't have a park but we do have the woods and the wildlife of the Woodmont Country Club and it does enhance our quality of life.

The property on Woodmont Country Club that runs next to our communities is a ~mile long wide band of woods that I would estimate at 500 to 1000 trees. Within the woods and along the edge of the woods there is considerable undergrowth, shrubs and thickets. Bordering the woods are the greens of the country club and a few ponds. There is considerable wildlife living on the Country Club grounds. There are a wide variety of mammals and birds. Over the last ten years I have seen over 40 different varieties of birds in and about the Country Club area.

Building a road or bicycle path through Woodmont Country Club would result in wildlife habitat loss and goes against the following principles as stated in Chapter 5 of the Master Plan which says Rockville should:

- 1) Conserve wildlife habitats and create minimum buffer zones in order to preserve, protect and enhance wildlife areas, and 2) develop strategies to encourage desirable wildlife habitats on residential properties.

Building a road through Woodmont Country Club would result in urban forest loss and goes against the following principles as stated in Chapter 6 of the Master Plan which says Rockville should:

1. strive to sustain and increase it's urban forest canopy and
- 2) maintain, enhance and preserve the City's urban forest.

In light of the woods that have been lost because of the development occurring on Wootton Parkway, it is even more important to protect the urban forest on Woodmont Country Club grounds.

## MAINTAINS SAFE AND SECURE ENVIRONMENT

Our property is set back from Rockville Pike behind Talbott shopping center on a short dead end street. We are not visible from Rockville Pike. Consequently, we have a great deal of privacy and virtually no crime.. If a road were built behind our property we would be highly visible to the general public and we would anticipate trespassing and possible crime problems.

Rockville Pike generates a lot of car exhaust related air pollution, that pollution does not stay on Rockville Pike, it drifts our way. The Country Club woods behind us helps mitigate the air pollution. If we lost the woods and gained a second road behind us, the amount of air pollution we would be living with, would in my opinion, be extremely unhealthy.

Economic Security is part of a secure environment. Village Green is 70 per cent owner occupied. Units that have gone on sale at Village Green this past year have generally sold within a two week period. Building the road behind us would, because of all the previously mentioned reasons lower our property values.

## THE LAND

Woodmont Country Club is a beautiful property. It is not the type of property that should have a cut-through Rockville type road run through it. If the country club property were to be developed – I would think a busy cut through road dividing the property would limit options. I would hope that if Woodmont Country Club is ever developed, it would be developed as one piece and developed in a way that would preserve much of it's beauty, woodlands and wildlife habitat.

## WHY YOU SHOULD NOT BUILD THIS ROAD

1. The road will destroy forest, green spaces and wildlife habitat
2. The road will adversely affect the character of the neighborhoods that border it.
3. The road will negatively affect the physical safety, health and economic well being of the neighborhoods that border it.
4. The road will not reduce the traffic on Rockville Pike.
5. The road will create a traffic log jam at the Jefferson/Montrose intersection.

6. The road will cause extreme congestion on East Jefferson Street., which will negatively impact the residents and businesses on that street.
7. The road will create traffic problems in the communities surrounding Jefferson Street.
8. The road would limit future development options of Woodmont Country Club..

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen Voight", with a long horizontal flourish extending to the right.

Karen Voight  
President, Village Green  
Condominium

An Alternative On Fleet Street Extension(Draft)

Kai Hu

to:

ckebba@rockvillemd.gov, rockvillepikeplan@rockvillemd.gov

05/27/2011 01:16 PM

Show Details

## **An Alternative On Fleet Street Extension(Draft)**

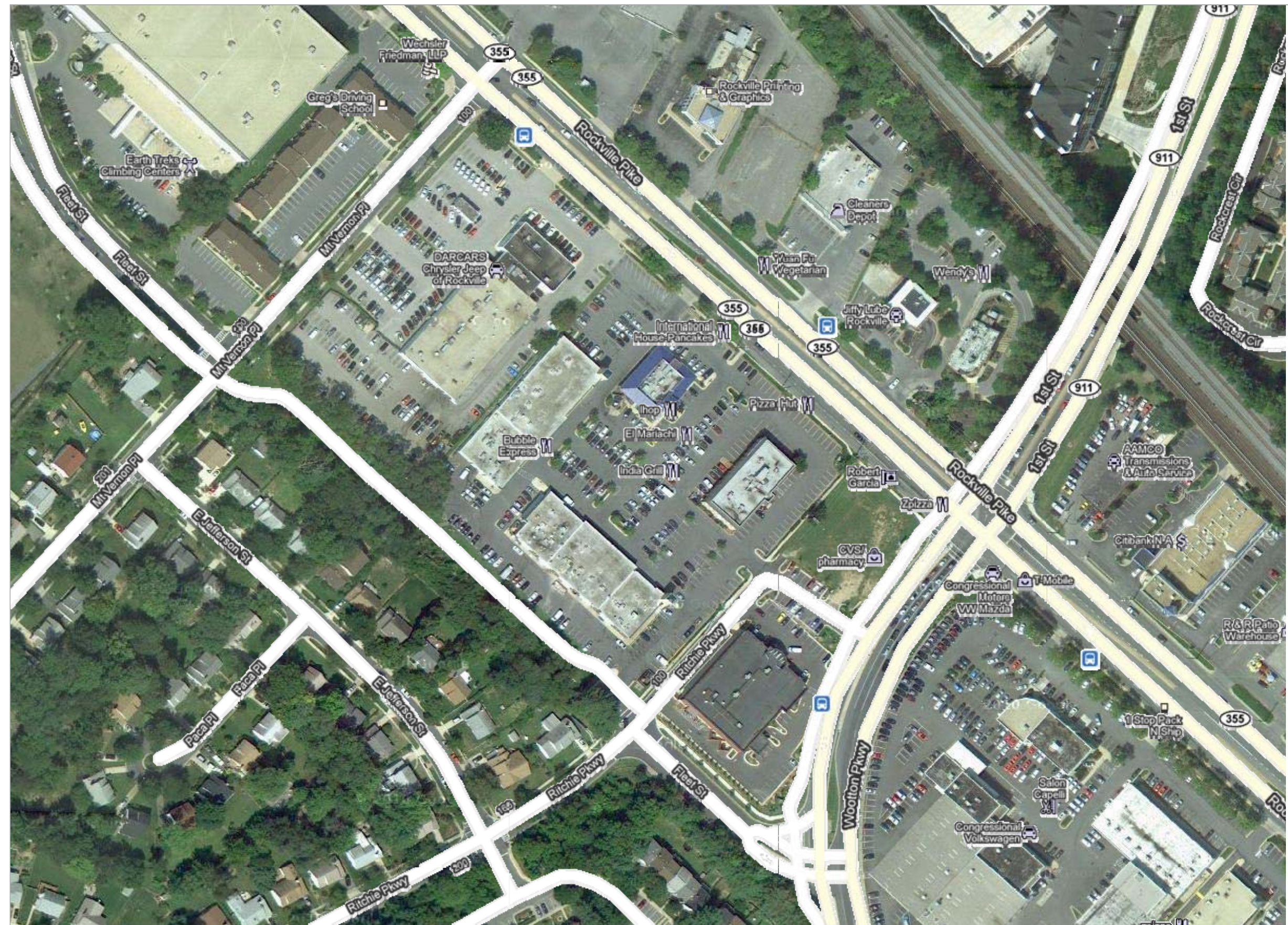
In my proposal, the new road is located in the middle part of current shopping plaza-Ritchie Plaza, finally it becomes one part of the traffic loop which consists of partial Ritchie Pkwy, E.Jefferson Street and Mt Vernon PI. The new road is highlighted by yellow in the sketch attached in this e-mail. Both the City of Rockville and the Hungerford neighborhood will get benefits from this win-win approached proposal, the benefits are listed as below:

- 1.The new road and traffic loop will improve the efficiency of traffic flow to RMHS and reduce the impact to the neighborhood.
2. Recreate and redefine the commercial street of Ritchie Plaza , with parking lots and street parking(colored by dashed blue line);
3. Create new opportunity of redevelopment, the new mixed-use project (office + commercial + residential)is colored by red, 2-3 stories; since most of existing buildings in the plaza are just one story, so the feasibility is there.
4. Preserve the green space(colored by green) to separate the residential neighborhood from the commercial area. The public green space will become more valuable in the very near future.
5. It may be an good opportunity for Hungerford neighborhood to rebuild a high profile community entrance at intersection of Fleet Street and Ritchie Parkway, it will create more sense of the neighborhood.
6. It will create a new possibility to redevelop the area which is currently occupied by the building of Marlo Furniture.

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Kai Hu, 9GATESSTUDIO







Google maps

Preserved  
Green space

Redevelop. Project  
(Retail + Mixed used)

Parking space

Proposed New Road.

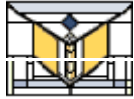
Exhibit No. 113



Proposed Project  
in Future (BANK)

A Study for =  
How to connect  
"FLEET STREET" ?  
by Kai Hu , 03/14/11





[To:](#)  
Cc:  
Bcc:  
Subject: Fw: An Alternative On WINTERGREEN PLAZA (Draft)

---

From: Kai Hu <hukai28@gmail.com>  
To: MBayonet@rockvillemd.gov  
Cc: "ckeбba@rockvillemd.gov" <ckeбba@rockvillemd.gov>, rockvillepikeplan@rockvillemd.gov  
Date: 05/27/2011 09:51 PM  
Subject: An Alternative On WINTERGREEN PLAZA (Draft)

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**Hello, Mayra Bayonet:**

I am not sure if you received another email of mine today, it is about another idea on improving Rockvillepike. The narrative below is the introduction of the sketch attached in this email. Please let me know if you have any questions. Thanks for your patience!

Sincerely,

Kai

## **An Alternative On WINTERGREEN PLAZA (Draft)**

The purpose of my proposal is to create a real plaza for pedestrians along the Rockvillepike. To achieve this, we need to do some work to renovate the current Wintergreen Plaza's landscape and hardscape...

1. Relocate the south & north entries along the Rockvillepike for cars, meantime rearrange the traffic flow and route in the existing parking area.
2. Transform the existing main entry area (along the Rockvillepike) into a real public space for outdoor activities and events, both pedestrians and shops (like Starbucks) will get benefits from this.
3. Relocate the bus stop at this plaza, bring more people to enjoy the experience of the new plaza.
4. Create a new redevelopment opportunity for Wintergreen Plaza, it could be possible to build new commercial/retail space on the west side of this plaza, it will be very helpful to define the edge of public space as well.
5. The current Wintergreen plaza sign will preserve to be a landmark of this new public space.

6.hopefully, it will be a start point to transform the Rockville Pike into the a boulevard as it is showing on the new version of master plan for Rockville pike.--



Kai Hu, 9GATESSTUDIO Sketch of An Alternative On WINTERGREEN PLAZA (Draft).jpg

## Exhibit No. 113

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.

NEW ENTRY TO WINTER GREEN PLAZA  
(ENTER)



By Karl Hu, 2011.05.15.

↓ NEW PROPOSED COMMERCIAL/RETAIL SPACE (2 stories ~ 3 stories)



**Exhibit No. 114**

Rockville Planning  
Stephanie Codrea  
to:  
rockvillepikeplan  
05/29/2011 03:36 PM  
Show Details

Hello,

Has anyone ever realized that Rockville is in the SUBURBS??? If people want to live in the CITY let them move to DC. All you people want to do is develop, Develop, DEVELOP. Montgomery County and particularly Rockville are overly developed now.

You don't care what the public thinks. You just do what will pay the politicians the most bucks. Quit pretending you do care and at least don't lie. Rockville Pike is totally congested now so naturally we want to turn the parking lots into stores and do what with the cars? In case you politicians haven't noticed, parking garages aren't very safe.

Your plan is a joke, but I guess \ you'll do whatever you want. You don't really care because the plan is probably already in place.

Totally disgusted with the Rockville City Government!

Stephanie Codrea



June 2, 2011

Planning Commission  
City of Rockville  
111 Maryland Avenue  
Rockville, Md. 20850

RE: Rockville Pike Draft Plan  
1010 – 1060 Rockville Pike

Dear Members of the Planning Commission:

I am the managing member of Wintergreen North LLC, the owner of the property located at 801-807I Rockville Pike.

The subject property is approximately 5.8 acres and is located on the southwest corner of Rockville Pike and Wootton Parkway. It has 540 feet of frontage on Rockville Pike and a depth that varies between 240 feet (north end) and 555 feet (south end). The configuration of the property is atypical for the planning area in that it is surrounded on three sides by a major thoroughfare, i.e. Rockville Pike and Wootton Parkway. Income is generated on the property through a land lease to Congressional VW and Mazda and 16,000 square feet of retail. The car dealership is financially responsible for the construction and maintenance of all improvements and is the primary source of income. The property currently generates approximately \$192,000 in annual tax revenue.

I hereby offer the following comments and proposed amendments to the plan.

- We commissioned a preliminary study to determine the impact of the proposed road widening on our property and its improvements. The attached sketch depicting the area of the road widening demonstrates that all parking and access to the front of our retail and showroom buildings facing Rockville Pike would be eliminated. This taking would most likely render our retail buildings untenable and would limit the utility of the showroom buildings. As of this writing, the full magnitude of the financial impact to our tenants and the property is unknown, but needless to say, the diminution in the value of our property by such a taking would be substantial. It is critically important that our automobile dealership can continue operations in functional facilities that adhere to the periodically updated requirements promulgated by the manufacturers (VW and Mazda). The dramatic impact of the proposed road widening on our property would jeopardize our

ability to maintain our automobile dealership. In addition, the other retail components of our existing improvements would most likely be lost in its entirety through condemnation. **We hereby request that the City and SHA revisit the proposed road widening in this section of the Pike and/or its alignment and propose an alternative that allows this property to remain commercially viable and productive in its current configuration.**

- The attached study also illustrates the impact of a bifurcation of the property by a new road connecting Rockville Pike to Wootton Parkway at an existing signalized intersection (Fleet St.). Our patrons currently enjoy unlimited north and south access on the Pike via three existing curb cuts (points of entry) and one median break. The new Pike section would limit access to just one point of entry, and movements would be restricted to “right in and right out” only (median break would be eliminated). **Such limited access is too restrictive for a property of this size and development potential.**
- Additionally, it appears the plan contemplates the creation of a curb cut on Wootton Parkway into our property at the signalized intersection of Wootton Parkway and Fleet Street. This is a logical traffic improvement, but the depiction of this new point of access is not clearly depicted in the current plan. **We request that the City clearly memorialize in the plan their intent to allow this new access point at the intersection of Wootton Parkway and Fleet Street in the manner depicted on the attached sketch.**
- The attached study also reveals that the new block on the northern side of our property is greater than two acres. Once a site plan is developed, appropriate vehicular and pedestrian access to the proposed improvements in that area would of course be considered and should be required. Given the unusual conditions of this property by virtue of it having road frontage on three sides, the creation of a new road which runs parallel to the Pike would not enhance access to the Pike or surrounding areas. Accordingly, we believe the creation of an additional block via a dedicated road is unwarranted and not consistent with the plan or the intent of the plan. Please note the plan did not show any new streets in this area. **We hereby request that the City formally recognize the unusual configuration and road frontage of the subject property by amending the plan to either specifically exempt our property from the requirement to create new blocks for redevelopment of parcels of more than two acres or create a new standard providing that if a property has access to existing multi-lane streets, front and rear, the only new connection required would be a new road connecting the existing streets).**
- Table 1.2.1.A calls for ceiling heights above the first floor to be a minimum of 10 feet. I read this to mean that the prescribed dimension is from finished floor to finished ceiling. A ceiling height of 10 feet is 1 to 1.5 feet greater than what is typically offered in this market (depending on the product), will increase the costs to the end user and may increase the cost to maintain the environment (heating



and cooling). **We hereby request that the City reduce the minimum required upper floor ceiling heights (floor to finished ceiling) to 8.5 feet. Bulkheads that conceal ductwork etc. should be permitted.**

- The subject property is located one mile south of Rockville Town Center and is uniquely located at a major intersection offering both north-south (Rockville Pike) and east-west (Wootton Parkway, First Street) travel lanes. Interstate 270 is a short distance to the west and Norbeck Road with access to the new Inter County Connector is to the east. It is also a little less than a mile from a Metro station and offers vehicular access which is unparalleled in the planning area. Planners have referred to this property as a gateway property.

The plan currently grants more density (i.e., greater height limitations) to a limited number of properties in close proximity to the Twinbrook Metro Station. Comparatively, the subject property has superior vehicular access (i.e., less impact on Pike traffic) and the Metro is easily accessed by shuttle, BRT (or whatever mode is finally decided upon) and walking. The property is also in a “gateway” location and has enough land area to create a signature development in Rockville that would significantly increase tax revenues. **We believe that our property should have the same density (i.e. height) that is permitted on the Urban Core Street Frontage and we hereby request that the City amend the plan to reflect maximum permitted heights for the property to be 12 stories.**

- Some observations regarding height as proposed in the plan should be discussed. First, the plan addresses height by limiting the amount of stories in a building. It also provides minimum dimensions for interior clear height (15 feet first floor and 10 feet upper floors). What it doesn’t do and should do, is recognize the disparity in height between buildings designed for different uses. For example, using the dimensions required in the plan, an **8-story office building** would be approximately **109 feet tall**. (15’ clear height first floor plus 3 feet for plenum and structure and 7 more stories of 10 feet clear plus 3 feet of plenum and structure for each floor).<sup>1</sup> An **8-story apartment building** would be **89 feet tall**. The measurements are the same as above less 2.5 feet per floor of plenum area. The bottom of the floor above is the finished ceiling for the area below, therefore the plenum is not required.

If a 109 foot height is acceptable, and per this plan it is, then a 10-story apartment building could be built adjacent to an 8-story office building and be the same height. (i.e., same feel toward the street) Considering the form based plan is addressing the structures as they relate to the streets, why would one create this disparity in approved heights and penalize the allowable density to residential uses? **As an aside, if the 109 feet is the standard Rockville is looking for along the Pike, one could build a 12-story apartment building if the required interior clear heights were reduced to 8.5 feet.**

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<sup>1</sup> The plenum area in an office building is the space between a suspended ceiling and the floor structure above. It is necessary for ductwork, beams, utilities, return air etc.



- Some observations regarding construction methods and current codes should also be discussed and considered. For residential buildings, the code allows a 4-story “stick built” structure with, I believe, room for a fifth floor with sprinkler credits and more fire proofing (read, more expensive to build 5 floors). Buildings with more than five stories are pushed into a different type of construction (some method using concrete) and are even more expensive to build. Buildings above 75 feet in height are subject to the high rise codes and are even more expensive to build and, of course, the cost of parking increases with the greater densities. The point is that seven to eight story buildings are the least optimal structures to build when comparing construction costs to floor area (cost per square foot). The cost per square foot decreases as floor area increases (economies of scale), and floor area can only be increased with greater heights.

Construction costs are relevant because the end user will only pay the market price regardless of the developers cost. The residential portion of Rockville’s Town Center project would be an excellent case study. I am certain that if the residential developer for that project were invited to do the same project (i.e. complicated and expensive construction methods) again in this market area, they would respectfully decline.

Another case study is our project at 11 N. Washington St. We had approvals to build an 8-story office building at 11 N. Washington St. When we analyzed the cost of the high-rise package, which was triggered by the eighth story, we found it optimal to build less than what was approved (i.e. 7-story building). As of this writing I don’t know how many more stories (i.e. more density) would have been necessary to justify the additional cost of the high-rise package (since we could not get approval for more than 8) but my guess is it would be in the 10 to 12 story range.

The plan as drafted doesn’t appear to give construction methods, codes and cost any practical consideration. In fact, the only actual incentive listed in the plan is the ability to build an additional floor if the developer gets a LEED silver rating. Please see the example above. If it is already not economically prudent to build eight stories instead of seven, how is it an incentive to pay even more money for a LEED rating to get the 8<sup>th</sup> floor? I believe offering incentives to encourage green developments is a good practice, but as you can see, there is no incentive in this plan. Of course some will simply say, we’ll just make them do it. The answer to that is simple. If there is no return (yes, profit) from the sometimes enormous outlay of resources to fund a new development (not to mention risk), there will be no redevelopment. If we want the transformation of the Pike to take place, we must encourage redevelopment.




- This leads me to the final topic----Incentives.

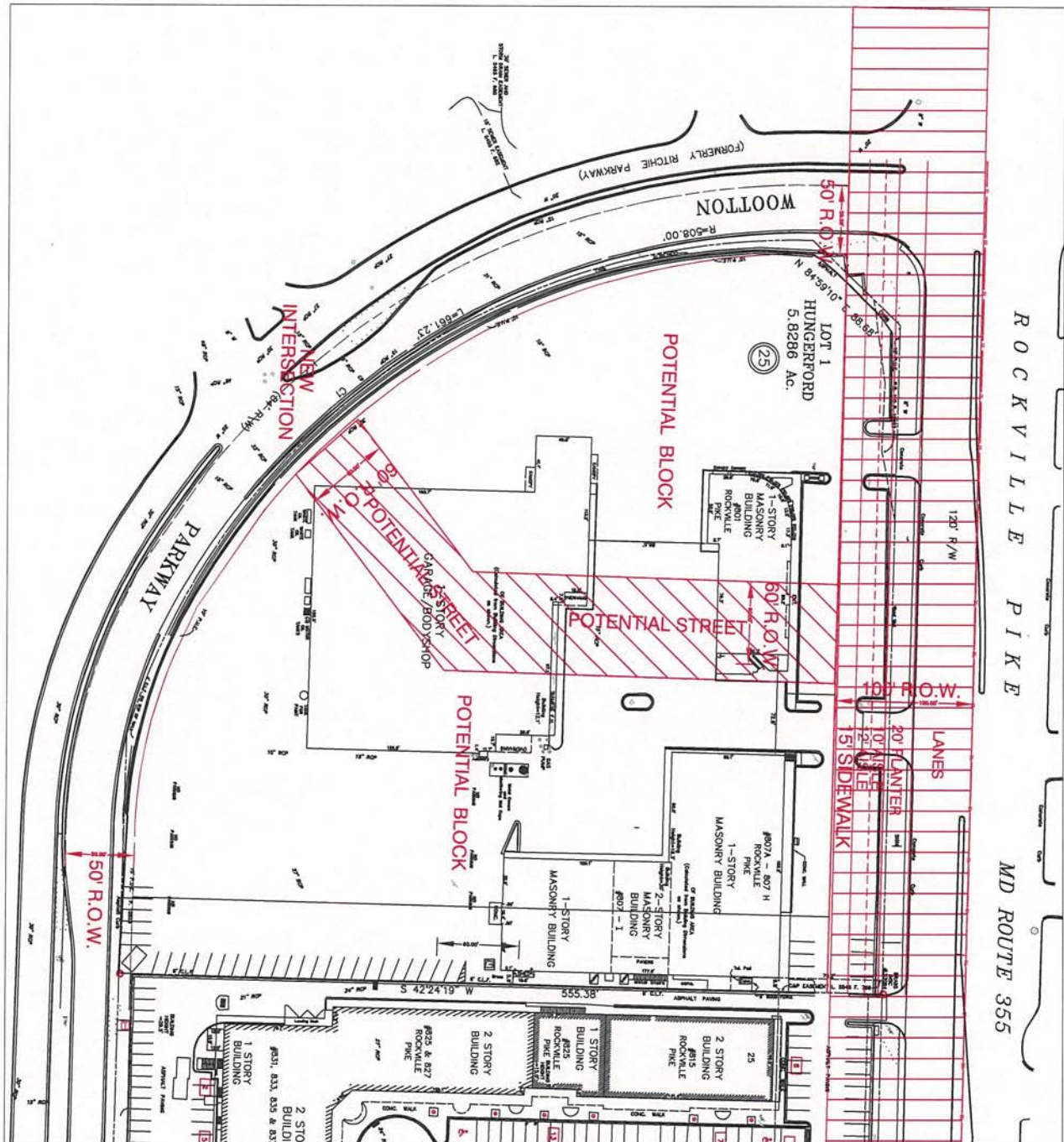
Incentives are necessary and they are not evil. From the City's point of view, we must increase the value of properties in order to benefit from greater tax revenue. Greater tax revenue is necessary to help with the funding of this vision and the ever increasing demands on Rockville's budget in general. From the property owners' perspective, there must be some reason to tear down an income producing property and build another. In the case of the subject property, a 400 unit residential development would not increase the value of the land or justify the risk and cost of redevelopment. If however, we are granted the additional density (height) as requested, I can envision a development that would be beneficial to all involved.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Whalen', with a stylized flourish at the end.

James F. Whalen  
President  
INVESTMENT PROPERTIES, INC.



Date	BARRY DUNN & ASSOCIATES PC		ARCHITECTURE	715 Timber Branch Drive	TEL: (703) 683-4040
Revision	PROJECT		INTERIOR DESIGN	Alexandria, Va 22302	FAX: (703) 940-3469
Scale	CONGRESSIONAL VW / MAZDA		PLANNING		E: barry@bdaoffice.com
Sheet of	ROCKVILLE PIKE, ROCKVILLE, MARYLAND		SHEET	SITE PLAN	
				NEW ZONING ANALYSIS	



June 14, 2011

Members of the Planning Commission  
City of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

RE: Rockville Pike Master Plan

Dear Members of the Planning Commission:

I am the managing owner of Congressional VW and Mazda located on the corner of Rockville Pike and Wootton Parkway. I employ 100 people and we have been operating in the City of Rockville since 1962. Please find below comments to be included into the official record.

**Protecting Rockville's Businesses**

We ask that the master plan adequately address the needs of properties and businesses that are not ready for development. Specifically, if business owners are forced into redevelopment of their properties just to update or improve their current facilities, it is likely that many thriving businesses will be forced to close or relocate from the City. For example, when VW and Mazda periodically require us to rebuild our facility to their new franchise standards, it could be necessary to reconstruct more than 50% of our existing facility structures. Under the current text of the plan (Section 1.10.9(F)), we would then be forced to redevelop the entire site in order to be in compliance with the master plan. The costs associated with such a redevelopment to update our facilities would either require us to close our doors or relocate from the City.

What would be required to redevelop this site to replace and/or expand the car dealership to bring it into compliance with the new code? The cost to rebuild a dealership would be approximately \$10,000,000 and would include such items as design and construction of the new dealership, tenant improvement expenses, monthly mortgage payment (which is currently paid utilizing revenue from the operating business), carry costs on construction loan. Note we would also lose the revenue from the business for approximately two years. In addition 100 employees would be out of work, many who have been with the company for years. It is difficult to assign a cost to losing an experienced staff, but please note it would be a significant hardship. In addition we would lose our loyal customer base to our competitors. Once again, it is difficult to estimate the cost associated with a reduction of the customer base, but revenues would be impacted for some period of time upon reopening. These financial requirements would likely drive Congressional Motors and many other businesses on the Pike out of business or out of the City.

Since we do not believe this is the City's intention, we suggest that language similar to the following be added to Section 1.10.9(F) of the Form Code to allow existing businesses to remain competitive.





Page 2  
June 14, 2011  
Members of the Planning Commission

"4. Notwithstanding the foregoing, the owner of a lawfully existing use shall be permitted to reconstruct or alter all or any portion of any structures on its property without reconstructing or altering such structures in compliance with the new standards of this Form Code where said structures are to be reconstructed or altered for the purpose of: (a) accommodating the same use; and (b) conforming to updated or changed market conditions or standards."

### Incentive

It is our understanding that the word "incentive" as it relates to redevelopment has caused some confusion. However, considering the significant cost and risk to redevelop, it is understandable that property owners continue to request that there be an incentive to redevelop. Using the example outlined above, redevelopment would only occur if the income from the finished product exceeded the existing income to the extent it provided financial justification to absorb the redevelopment costs and the business interruption expense. An appropriate return on investment is the incentive.

This subject is quite complex and difficult to communicate in a letter due to the amount of detail involved. It would be far more productive to discuss this verbally in an informal setting.

### Road Connections

The master plan includes the extension of Fleet Street to Wootton Parkway. We request that the master plan also indicate a full intersection at this location that will also serve our property.

### Blocks

The draft master plan requires that properties in excess of two acres create blocks with additional roads. We ask that this property be exempted from this requirement because of its unique configuration with street frontage on three sides from Wootton Parkway and the Pike.

We appreciate your efforts to create a master plan that will be a benefit to all. Should you have any questions or comments, please feel free to contact me at the numbers below.

Sincerely,

CONGRESSIONAL MOTORS, INC.



Susan W. Seboda  
President

**Exhibit No. 117**

Citizen Comment  
Cheryl Camillo  
to:  
rockvillepikeplan  
06/29/2011 09:05 PM  
Show Details

Thank you for publicizing the plan and opportunities to comment upon it. I would like to propose a modification to Development principle #1, or perhaps a new development principle - that existing buildings be renovated/reused/rehabilitated/refurbished before any new structure is built. The Pike is littered with empty buildings but new buildings, like the one on the northwest corner of Wooten Parkway/First and Rockville Pike keep getting erected. Europeans manage to keep buildings in use for centuries, if not millenia; Americans can too, if we want too. If we do not, soon Rockville Pike will look like the city featured in the opening scene of the film Wall-e.

Thank you for your consideration.

Sincerely,  
Cheryl Camillo  
7 Dale Drive  
Rockville, Maryland 20850  
(301) 340-8697  
[cherylcamillo@yahoo.com](mailto:cherylcamillo@yahoo.com)



June 29, 2011

Planning Commission  
City of Rockville  
111 Maryland Avenue  
Rockville, Md. 20850

RE: Rockville Pike Draft Plan  
1010 – 1060 Rockville Pike

Dear Members of the Planning Commission:

I am the managing member of Edmonston Properties LLC, the owner of the property at 1010 -1060 Rockville Pike.

The property is improved by a six-story office building of approximately 18,000 square feet and an extended retail strip of approximately 38,000 square feet on the east side of the Pike adjacent to the railroad tracks. The land area is approximately 2.69 acres with 960 feet of frontage on Rockville Pike and a depth that varies between 100 feet (north end) and 165 feet (south end). The depth of the usable area after the proposed road widening is complete would be approximately 60 feet (north end) and 125' (south end). Suffice it to say, that the property is long and narrow.

The property generates approximately \$127,000 in annual tax revenue.

I hereby offer the following comments and proposed amendments to the plan.

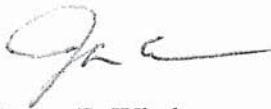
- We commissioned a preliminary study to determine the impact of the proposed road widening on our property and its improvements. As graphically demonstrated by the attached sketch, the new road alignment would for all practical purposes render our property unusable. Specifically, the new road would eliminate more than half of our parking spaces either by direct taking or by the elimination of the only drive aisle area on our property thereby causing the existing buildings to be untenable. Moreover, the resulting sliver of land between the proposed road and the railroad tracks may be too narrow for a commercially reasonable redevelopment. In short, the proposed road alignment will most likely result in a complete taking of our property in a condemnation action. **We hereby request that the City and SHA revisit the proposed section and or alignment and propose an alternative that allows this property to remain commercially viable and productive in its current configuration.**



- Assuming our property can be preserved through a realignment of the proposed road, we respectfully request that the Plan be clarified to exempt unusually configured properties from the requirement of creating new blocks. Table 1.3 of the plan states that sites larger than 2 acres shall be subdivided to create additional blocks. These new blocks are to be formed by creating new streets perpendicular to the Pike which would connect to a new street parallel to the Pike toward the rear of the site (please see attached). As clearly demonstrated on the attached sketch, our property is too narrow to accommodate a new street at the rear of the property (adjacent to the rail road tracks) and leave enough room for a viable development. The current draft of the plan does not show any new blocks to be created on our property, and I am fairly certain that was intentional, i.e., the creation of new blocks in this location is not consistent with the intent of the plan. **We request that the City amend the plan to specifically exempt our property and other unusually narrow or configured properties adjoining the railroad tracks from the requirement to create new blocks with new streets perpendicular to the Pike, or alternatively create a new standard for such blocks (e.g. minimum lot depth) that would effectively exempt this property from the requirement.**
- Lastly, Table 1.2.1.A calls for ceiling heights above the first floor to be a minimum of 10 feet. I read this to mean that the prescribed dimension is from finished floor to finished ceiling. A ceiling height of 10 feet is 1 to 1.5 feet greater than what is typically offered in this market (depending on the product), will increase the costs to the end user and may increase the cost to maintain the environment (heating and cooling). **We hereby request that the City reduce the minimum required upper floor ceiling heights (floor to finished ceiling) to 8.5 feet. Bulkheads that conceal ductwork etc. should be permitted.**

Thank you for your time and attention to this matter.

Sincerely,



James F. Whalen  
President  
INVESTMENT PROPERTIES, INC.

TEL: (703) 683 4040  
FAX: (703) 949 3469  
E: [barry@hdsaoilce.com](mailto:barry@hdsaoilce.com)



**Exhibit No. 119**

The Rockville Pike Plan - resident reaction

Elaine Joselovitz

to:

rockvillepikeplan

06/30/2011 08:12 PM

Show Details

I am a resident of the Twinbrook neighborhood of Rockville. It seems that developers again have ideas of how to make money in our neighborhood. They want to build more apartments and condos - how many of the places they've recently built are still empty? Just because they are near a metro station does not mean people won't drive. All it means to us residents is more congestion, more children for our already crowded schools, higher taxes to pay for infrastructure. And vitally important, do NOT weaken the APFO - it is our only protection.

One of the only charms of Rockville is the many small businesses - ethnic restaurants and markets, etc. None of these businesses will be able to afford to stay in business here.

Elaine Joselovitz

5918 Lemay Road

Rockville, MD 20851

3 Bethesda Metro Center, Suite 800 | Bethesda, MD 20814 | T 301.654.7800 | F 301.656.3978  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Robert R. Harris  
(301) 215-6607  
[robert.harris@hklaw.com](mailto:robert.harris@hklaw.com)

July 12, 2011

City of Rockville Planning Commission  
c/o Long Range Planning  
Community Planning and Development Services  
111 Maryland Avenue  
Rockville, MD 20850

Re: Rockville's Pike - Envision a Great Place

Dear Chairman Tyner and Planning Commissioners:

We represent Rockville Associates, Inc., the owner of the former Devlin Lumber Yard property located at 1500 Rockville Pike. This 7 acre property now contains a small, retail shopping center, a restaurant and a car dealership as well as a large surface parking lot. The purpose of this letter is to support redevelopment of the Property under the draft of Rockville's Pike - Envision a Great Place (the "Draft Plan") with certain changes.

## BACKGROUND

The subject property is located very near the Twinbrook METRO Station. As such, in 2009, the City rezoned the Property from the RPC zone (Twinbrook METRO Performance District) to the MXTD (Mixed Use Transit Development) zone. The MXTD zone, like the RPC-Twinbrook METRO Performance District designation, recognized the redevelopment potential of this property both in conjunction with the neighboring Twinbrook METRO Station and its frontage along Rockville Pike. The Property is irregularly shaped with a significantly longer frontage along the WMATA right-of-way than along Rockville Pike. It is essentially flat with a very slight slope from north to south. It also is separated from single-family residential uses by the combined rights-of-way for both the CSX Railroad and WMATA. Given the low intensity of existing uses, the large surface parking lot, and its location, the Property presents a prime redevelopment opportunity that could help make Rockville Pike the "great place" envisioned in the Draft Plan.

Neighboring properties on both sides of the railroad/WMATA tracks are in the process of redevelopment to high density mixed uses. Development of Twinbrook Station, on the east side of the tracks, began several years ago with the conversion of former industrial land and WMATA surface parking to a very desirable residential location with accessory retail use. Additional residential and retail will be taking shape in the near future. On the west side of the tracks, major

office development is planned as a later stage of the same project. Most recently, the old Fuddruckers/Rocca property was purchased for redevelopment as a high-density, mixed-use project featuring residential, retail, hotel and office uses. Approval of that Plan is now pending. The Rockville Associates Property is the largest remaining property within the Twinbrook METRO Station Impact Area. As such, it presents the opportunity to complete the transit-oriented vision established for this area years ago by both the City of Rockville and Montgomery County. Rockville Associates has engaged DNC Architects and other consultants to help them better define the future development of this Property as a project to be known as "Devlin Place." This redevelopment could proceed with appropriate recommendations in the Draft Plan.

## ASSESSMENT OF THE DRAFT PLAN ON THE DEVLIN PLACE PROPERTY

### General

Rockville Associates strongly supports the objectives of the Draft Plan. Rockville Pike has been a great shopping destination for years and more recently has become both an office venue and a desirable place to live in a multi-family environment. Today, however, portions of Rockville Pike, including the Devlin Place site, bring to mind images of an auto-oriented area with too many signs, driveways, surface parking lots and strip retail. Other sections of the Pike, however, have shown the redevelopment potential for the area and the many ways in which the entire Rockville Pike experience can be improved. For example, the recently-adopted White Flint Sector Plan defines this vision for the Montgomery County portion of Rockville Pike. The Rockville Town Center also shows the great potential for such areas. The Draft Plan now can do the same for that portion of Rockville Pike within the City between White Flint and the Town Center. To ensure its success, however, we suggest some limited but important changes to the Draft Plan.

### Specific Considerations

#### Extending Chapman Avenue and Congressional Lane

The City has long planned for the extension of Chapman Avenue northward, ultimately connecting with Congressional Lane. This extended road will provide a critical parallel route to Rockville Pike while, at the same time, enabling the large blocks on the east side of Rockville Pike to be divided into more walkable, pedestrian friendly redevelopment parcels. Rockville Associates supports the extension as part of the redevelopment of Devlin Place and neighboring properties. At the same time, because of the unique configuration of the Devlin Place property, extending the road will take away a disproportionate amount (between 25 and 40%) of the developable land. This can be accommodated if the development standards and the recommendations in the Draft Plan enable sufficient height, and the development standards under it provide sufficient flexibility for the property to be redeveloped. This would enable the owners to provide land required for these road extensions.

Secondly, the alignment of Chapman Avenue must allow for reasonable redevelopment of the Devlin Place property. Although the alignment for this road was not set specifically when it

was first recommended in the Rockville Pike Corridor Neighborhood Plan in 1989, the diagrams suggested that the road might follow the WMATA right-of-way, but have an alignment approximately 50 or 60 feet from that right-of-way. As the attached plans show, we believe the best alignment for Chapman Avenue thorough Devlin Place would be one that is a buildable site of just over 120 feet deep from the WMATA right-of-way. This would allow for efficient parking and building construction. It also relates well to the proposed alignment of Chapman Avenue now being considered as part of the Fuddruckers/Rocca site redevelopment. This option allows construction of one or more buildings between Chapman Avenue and the WMATA right-of-way, including possible garage structures that would shield the remainder of the property from those tracks. It also would provide for a more regimented configuration of buildings along both sides of Chapman Avenue, rather than creating a single-loaded situation with buildings facing the tracks.

If, for some reason, Chapman Avenue could not be located at least 120 feet from the WMATA right-of-way, rather than placing it only 50 or 60 feet from that right-of-way and thereby leaving an undevelopable sliver of land, we recommend placing it directly adjacent to the tracks. Under this configuration, even though the loss of land for the right-of-way still would be significant, at least it would allow for redevelopment of the remaining portion of Devlin Place.

#### Building Height

Three years ago, after considerable discussion, Rockville adopted a new Zoning Ordinance that included the new MXTD zone. It then applied that zone to the Devlin Place property with the anticipation of its redevelopment under those new standards. Those standards provided the opportunity for mixed-use development at sufficient heights and densities to justify demolition of existing strip retail centers and to create a transit-oriented, mixed-use center. The MXTD zone in particular recognized the importance of redeveloping those properties within the impact area of a METRO Station at heights and densities greater than sites more distant from METRO. As such, the zone provides for a standard height limit of 120 feet and a maximum of 150 feet if approved by the Mayor and Council as part of a project plan, in order to achieve densities appropriate for key, METRO station sites like Devlin Place. In both cases, the MXTD zone provides certain standards such as build-to lines and variations of height for larger buildings. These standards coincide very closely with the form of development that has been successful around METRO stations elsewhere in Montgomery County as well as in northern Virginia.

We believe the Draft Plan should reflect and embrace the standards of the MXTD zone for Devlin Place. Any reduction in the allowable height through the Draft Plan would have a significant detrimental impact on both the redevelopment potential and, ultimately, the land use form if and when redevelopment occurs. Equally important, reductions in height would mean that the important resource provided by the METRO Station would not be used to its full effect. Buildings of 12-15 stories in great METRO areas like Ballston/Clarendon show how buildings of this scale work in terms of urban design while supporting the desirable mix of housing, office, retail and amenities. Properties such as Devlin Place, located within a METRO Station Impact Area, with frontage along Rockville Pike and separated from single-family residential areas, are



important opportunities to cluster new development at the highest possible densities and heights consistent with METRO Station areas. We suggest that the Draft Plan use the MXTD standards for Devlin Place to allow achievement of the MXTD zone capacity up to the full allowable height of the MXTD zone.

#### Form Based Code

We suggest the chapter in the Draft Plan that consists of a Form Based Code be reviewed. We believe the recent Zoning Ordinance Amendment that established the MXTD zone after considerable study and public impact is the proper zoning tool for this area. We do not believe it is necessary to write a new Code. Rather, design objectives that are reflected in the Form Based Code chapter of the Draft Plan could be rewritten in terms of guidelines and design principles to be used with the MXTD and MXCD zones, with the recognition that the Mayor and Council/Planning Commission could use them flexibly when reviewing specific projects. This would enable individual creativity and architecture to make Rockville Pike a special place while also ensuring the pedestrian friendly, walkable environment the Draft Plan seeks. We are concerned that some of the specific Form Based Code standards are so rigid that they could stand in the way of such projects. As time passes, we believe such rigidity in design will only become more of a challenge.

#### MISCELLANEOUS CONSIDERATIONS

In addition to these primary recommendations, we suggest that the Plan recognize the potential for development above and/or below the new road rights-of-way. This would offset some of the land being lost to the proposed new roads. More importantly, it would enable buildings to be connected below grade, for example, via underground parking, thereby potentially reducing the depth and cost of underground parking facilities. The same approach might allow the right to develop in the air rights above a right-of-way, probably not with buildings, but with the right to install connector bridges where desirable.

Similarly, we believe the City should consider modifications to both its stormwater management regulations and its forest conservation requirements for redevelopment along Rockville Pike. The majority of this area has been impervious for more than 50 years and there are virtually no trees other than those along Rockville Pike. The City's current stormwater management regulations, combined with its forest conservation requirements, are very difficult to implement in dense urban developments, particularly with underground parking structures. On the other hand, such dense urban development is good for the environment and should be encouraged both because of its transit-orientation and because of its improved impacts on stormwater under any conditions. We are not suggesting that either stormwater management or forest conservation goals be ignored but, rather, that the City better recognize the improvement to both conditions that will result from redevelopment of the property while, at the same time, recognizing that treatment of these properties more like undeveloped suburban conditions will make compliance with regulations very difficult if not impossible.

Third, the Draft Plan recognizes that mixed-use development of a more urban, walkable, compact nature, such as contemplated by the Draft Plan, requires a different approach to the adequacy of public facilities. Montgomery County, and many other jurisdictions, have adopted standards that treat urban areas more flexibly in terms of measuring transportation capacity. This includes considering the availability of transit to a greater extent and accepting some levels of congestion on roadways. The recognition generally is that the provision of choices in the forms of transportation by locating housing near employment, retail and other uses, and by clustering all uses near major transit facilities, results in a reduced demand overall for additional highways. The smart growth and environmental benefits from such a policy are increasingly more significant as we move towards a greener economy. We strongly support changes to the City's APFO and APFS provisions. Without such changes, the transformation of Rockville Pike into a more pedestrian-friendly, architecturally attractive area cannot happen.

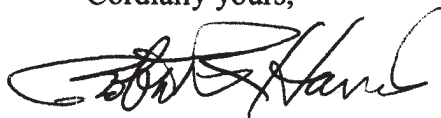
Fourth, the City's calculation of public use space and the requirements for providing it in connection with new development may need some adjustment as well. Not every project should be providing major public use space. In some cases, clustering public use areas has proven to be a better strategy. Montgomery County learned years ago that extensive demands for public use space from every project result in too many, relatively unusable public use areas. Both the percentage of public use space required for new development and the consideration of what maybe considered public use space should be examined.

#### HYPOTHETICAL DEVELOPMENT MODEL

DNC Architects has prepared a hypothetical development model for consideration by the City as part of the Draft Plan. The attached plan reflects redevelopment of Devlin Place at a density of approximately 4.5 FAR, consistent with similar areas elsewhere in Montgomery County and along transit corridors/major highways elsewhere in the region. The model also assumes redevelopment that would be a combination of residential, with some retail and office components. This model uses the proposed alignment for Chapman Avenue, 120 feet from the WMATA right-of-way, and a height of 150 feet as allowed in the MXTD zone for part of the site. These diagrams are basic in nature and are far from specific concept plans. They do, however, show at least one way in which redevelopment of Devlin Place could help to make Rockville Pike "a great place."

We look forward to working with the Planning Commission as your worksessions continue. We also plan to speak with your Staff in order to ensure efficient and effective consideration of our comments and those from others. In the meantime, we welcome any questions you or Staff may have.

Cordially yours,

A handwritten signature in black ink, appearing to read "Robert R. Harris", written in a cursive style.

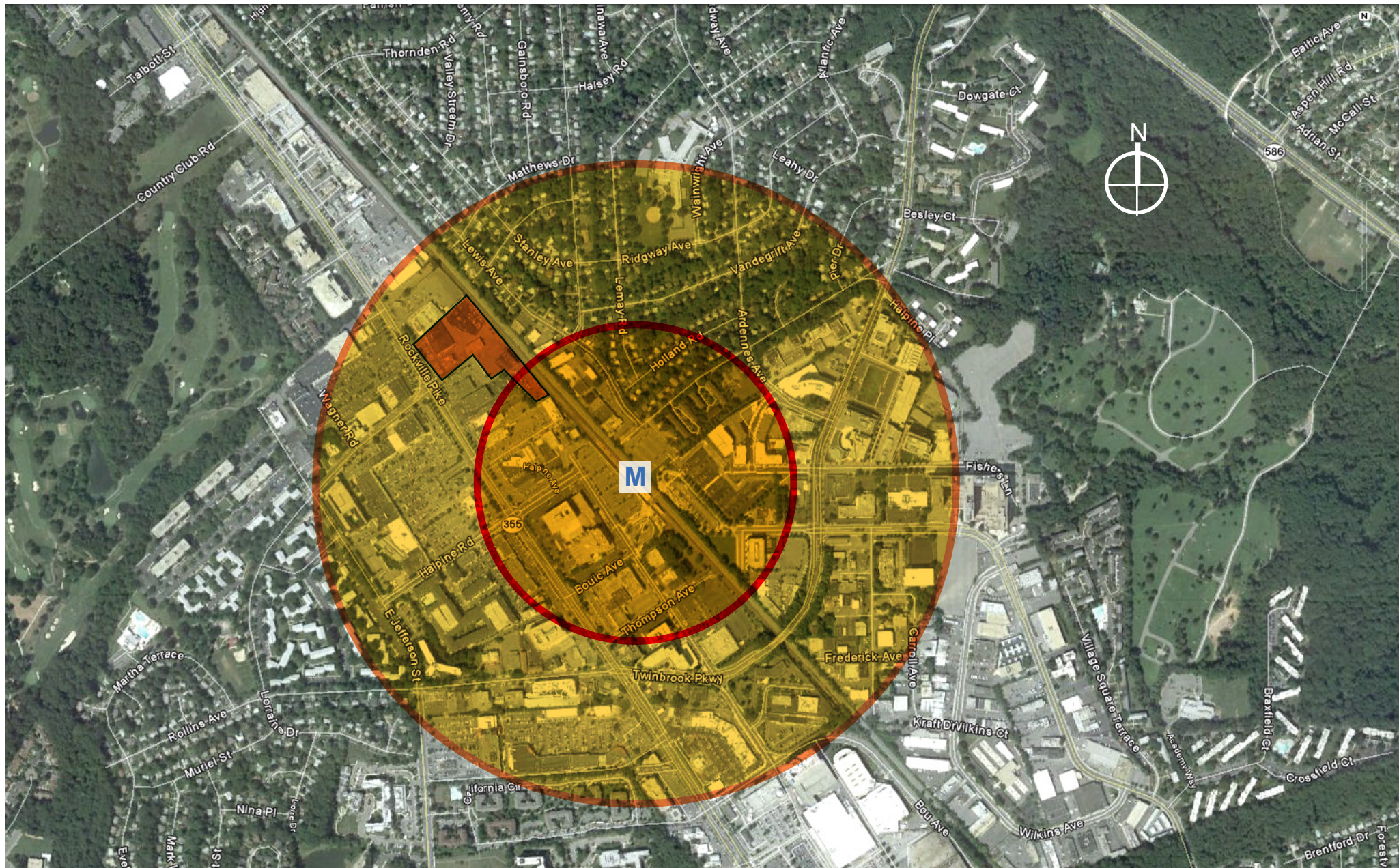
Robert R. Harris

Enclosures

cc: Mr. David Levy  
Ms. Dorothy Sullivan  
Ms. Betsy England  
Ms. Penny England  
Ms. Stacey-Sullivan Rigg  
Mr. Jef Fuller

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DEVLIN PLACE - ROCKVILLE, MD

July 6, 2011



## HALF MILE RADIUS FROM METRO





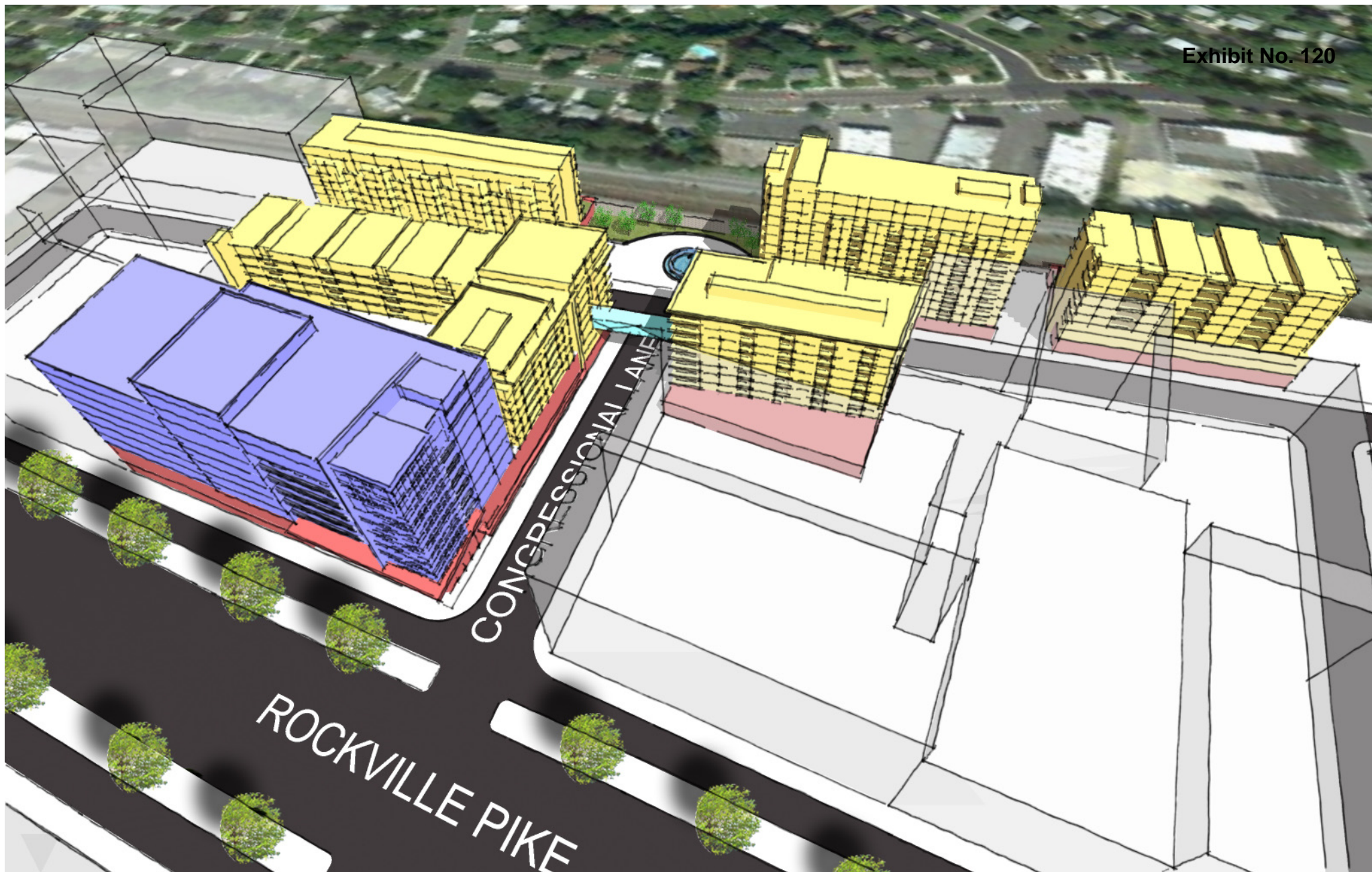
DEVLIN PLACE - ROCKVILLE, MD

July 6, 2011



CONCEPT SKETCH



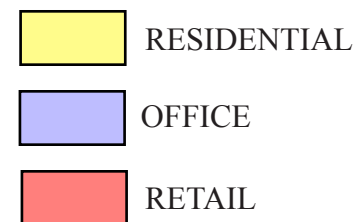


DEVLIN PLACE - ROCKVILLE, MD

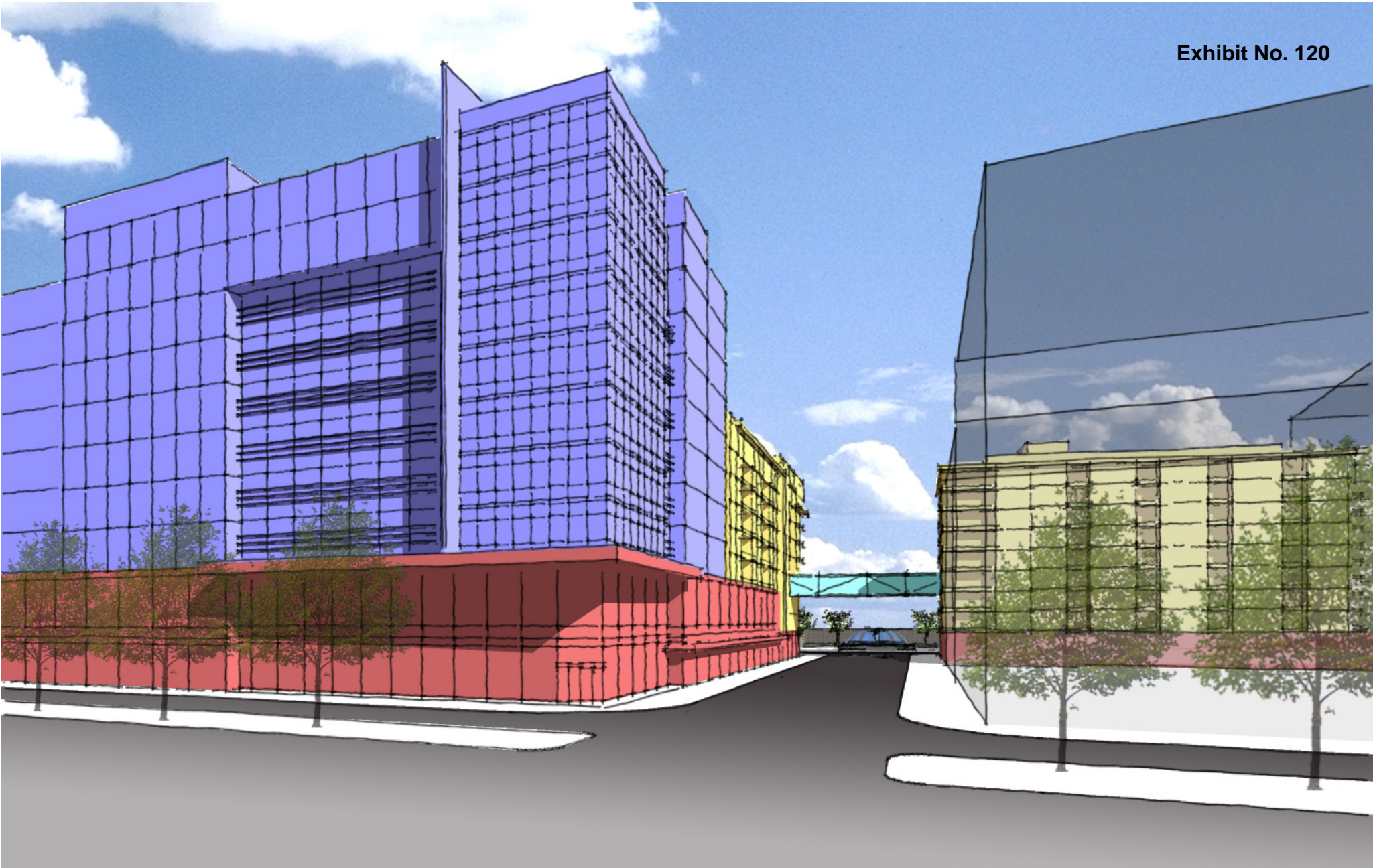
July 6, 2011



AERIAL VIEW



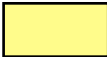






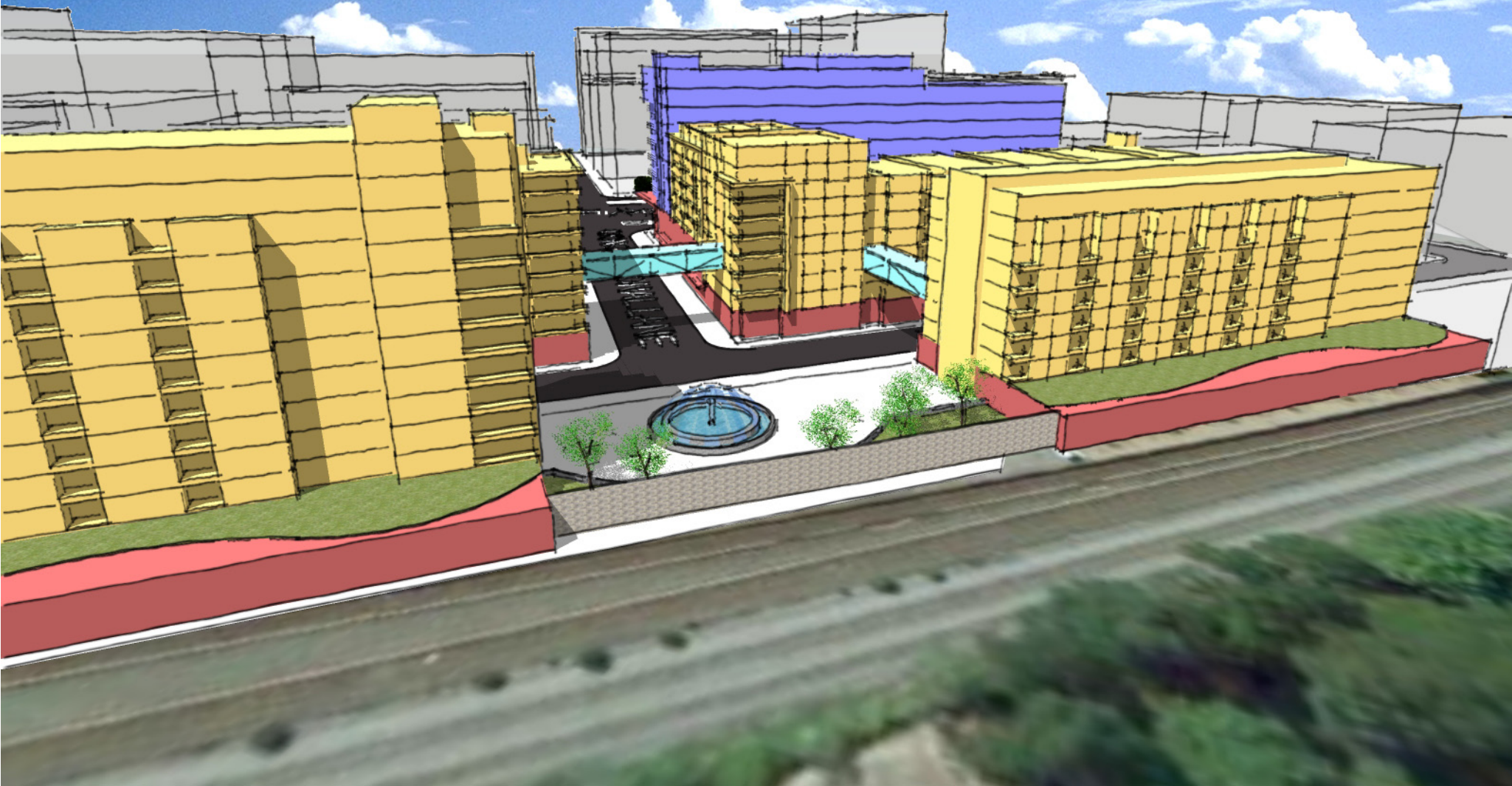
DEVLIN PLACE - ROCKVILLE, MD July 6, 2011



# STREET VIEW

-  RESIDENTIAL
-  OFFICE
-  RETAIL





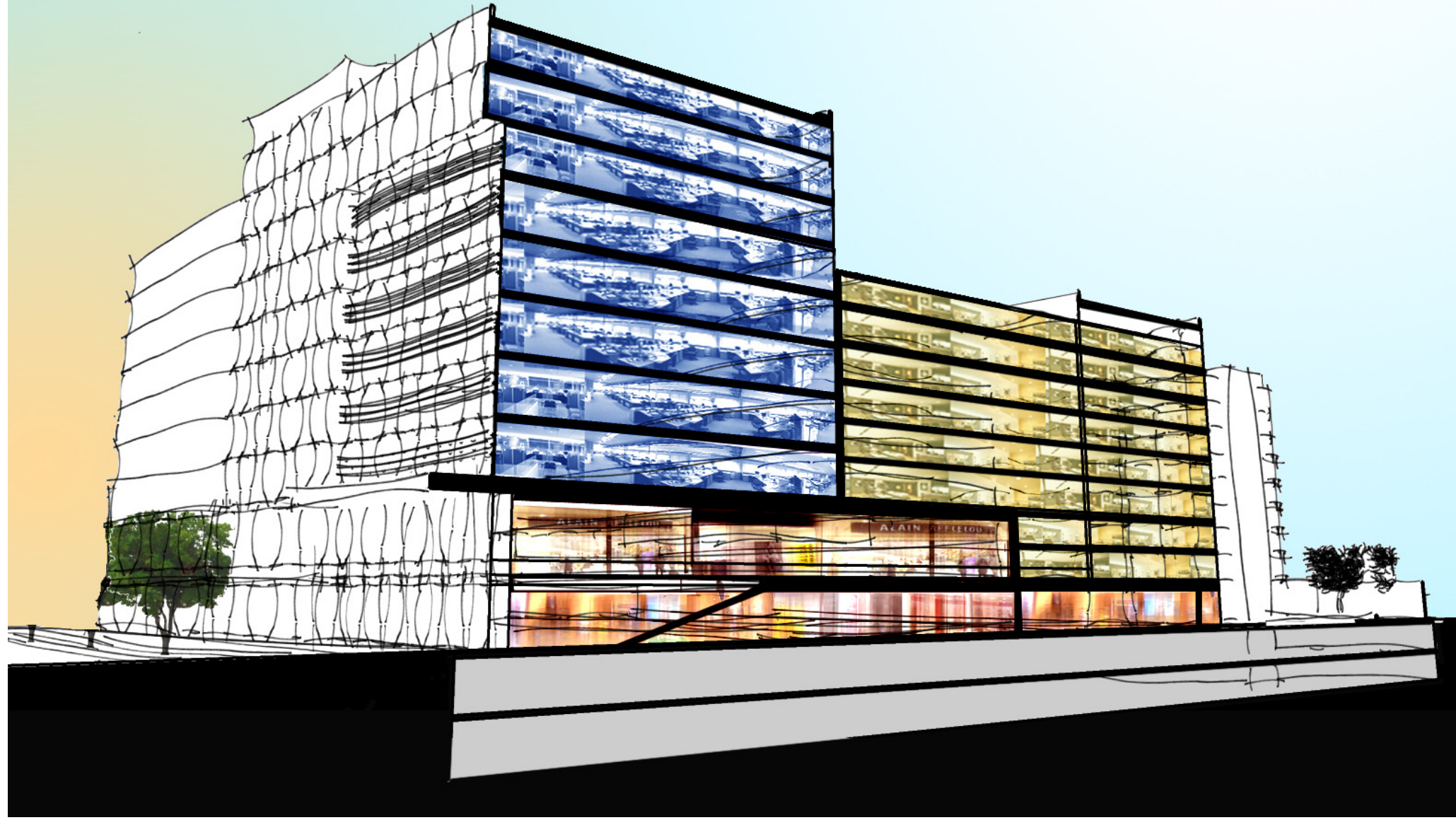
DEVLIN PLACE - ROCKVILLE, MD July 6, 2011



# AERIAL VIEW

- RESIDENTIAL
- OFFICE
- RETAIL



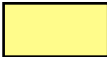




DEVLIN PLACE - ROCKVILLE, MD

July 6, 2011



# SECTIONAL CONCEPT

-  RESIDENTIAL
-  OFFICE
-  RETAIL

